

**ENTERED**

February 12, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOHN WESLEY LEWIS,

Petitioner,

VS.

MARK A. GONZALEZ, *et al.*,

Respondent.

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CIVIL ACTION NO. 2:19-CV-198

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Janice B. Ellington's Memorandum and Recommendation (M&R), entered on December 27, 2019. (D.E. 9). The M&R recommends that the Court dismiss Lewis's petition without prejudice for want of prosecution under Federal Rule of Civil Procedure 41(b).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the magistrate judge's memorandum and recommendation is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its

entirety. (D.E. 9). Accordingly, Lewis's petition is **DISMISSED without prejudice** for want of prosecution.

SIGNED and ORDERED this 11<sup>th</sup> day of February 2020.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE